

**REMARKS**

The Examiner is thanked for the indication that the application, including claims 1-14, 40, 15-24, 38, 35-37 and 39, is allowed.

Applicants respectfully disagree with the Examiner's assertions that appear in the Notice of Allowability. For example, the statement appearing in paragraph 1, "[e]xaminer does not agree with the statement that these sectors are not useable as replacement area". However, Applicants' disagreement is a moot point as this application has been allowed. If the Examiner believes there to be any basis for his assertions that affect patentability of the claims in any manner, then the Applicants respectfully invite the Examiner to issue a new Office Action, whereby Applicants can more fully respond to these issues.

Furthermore, the Applicants note that the Examiner's statement of reasons for allowance do not match the limitations of the claims. One of the Examiner's statement reads as follows "the claims require the parameter to define the replacement area, which requires the parameter to identify areas available for replacing data". Claims 1, 15, and 35 do not have claim limitations using this wording. Another of the Examiner's statements reads as follows "[i]n the claimed invention, a single user area parameter and replacement area parameter have values selected to determine or define appropriate defect management, either to determine a particular sparing configuration or for a particular use of the media". Claims 1, 15, and 35 do not have claim limitations using this wording. Applicants believe that the claims are allowable over the prior art of record for reasons other than the Examiner's statement. If the Examiner disagrees, then the Applicants respectfully request that the Examiner withdraw this Application from issue and provide an Office Action describing a rejection in view of the prior art of record. If the Examiner agrees that the claims are allowable for reasons other than the Examiner's statement, then the Applicants respectfully request that the Examiner allow this Application to pass to issue.

Applicants respectfully request that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Application No.: 09/753,372

Docket No.: 10980039-2

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 0-2025, under Order No. 10980039-2 from which the undersigned is authorized to draw.

Dated: June 13, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV555308642 US, in an envelope addressed to:  
MS AF, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on the date shown below.

Dated:

June 14, 2005

Signature:

Shannon M. Harding

Respectfully submitted,

By

  
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